

# MERCED SUPERIOR COURT LOCAL COURT RULES

## **RULE 1: COURT ORGANIZATION**

### **a. Adoption and Amendment of Rules**

These rules shall be known and cited as “Local Rules for the Superior Court of California, County of Merced.” These rules shall become effective as of January 1, 2010, and on that date all other rules previously adopted by this Court and the Municipal Court are repealed, provided that no action heretofore taken in compliance with such rules shall be made invalid or ineffective by such repeal. (*Effective January 1, 2010*).

### **b. Presiding Judge**

The business of the Court shall be directed by one of the Judges, designated as the Presiding Judge, who shall act in such capacity for a term of two calendar years. The Judges of this Court shall meet during the month of September of every other year, commencing with September 2004, and by a majority secret vote select the Presiding Judge and Assistant Presiding Judge for the succeeding two-year term commencing January 1<sup>st</sup>. The Assistant Presiding Judge shall be assigned such duties as the Presiding Judge deems necessary and shall act as Presiding Judge during the elected Presiding Judge’s absence. In the event a Presiding Judge leaves office before the end of his or her term, the Assistant Presiding Judge shall assume the position of Presiding Judge and a new Assistant Presiding Judge shall be elected. Each shall serve in such capacity until the next regularly scheduled election.

The Presiding Judge shall have those powers and duties conferred on the Presiding Judge as provided by statute, California Rules of Court, and rules as adopted by the superior court.

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The Presiding Judge's duties shall include, but are not necessarily limited to, the following:

- Presiding over regular and special courts meetings.
- Presiding over executive committee meetings.
- Setting and implementing Policies and Procedures.
- Planning for the courts future needs.
- Supervising the Executive Officer.
- Conducting the day to day affairs of the court.

### **c. Executive Committee**

There is hereby established an executive committee. The committee shall be comprised of at least three (3) Judges, one of whom must be the Presiding Judge, and one of whom must be an Assistant Presiding Judge. The remaining Judge members shall be appointed by the Presiding Judge. The Court Executive Officer shall be a non voting member and shall serve as secretary of the executive committee.

The term of office of executive committee members shall be two (2) years, coinciding with the term of the Presiding Judge.

The executive committee shall hold regular meetings at least twice every month. Any Merced Superior Court Judge may attend any meeting of the committee. Notice of the time and place of the meeting shall be provided to all Judges at least 24 hours before the meeting. Meetings of the executive committee will be chaired by the Presiding Judge.

The duties of the executive committee shall include:

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- (1). Recommending policy and procedures for implementation by the Presiding Judge;
- (2). Reviewing, in its discretion, the decisions and actions of the Presiding Judge and Executive Officer and, where appropriate, making recommendations to the Presiding Judge;
- (3). Establishing budgetary priorities and making recommendations for Judges meetings thereon;
- (4). Recommending for hire an Executive Officer and Assistant Executive Officer;
- (5). Conducting an annual evaluation of the performance of the Executive Officer;
- (6). Interviewing and recommending for employment Court Commissioners.

### **d. Meeting of the Judges**

There shall be a meeting of the Judges held on the first Friday of each month to conduct such business as may properly come before them. If the first Friday falls on a holiday, then the following Friday is the meeting day. Additional meetings may be called by the Presiding Judge or by a majority of the Judges.

Each Judge shall have one vote at the Judges' meetings. Any judge that does not attend a regular or special meeting (except a meeting to select the Presiding Judge) may authorize another Merced Superior Court Judge to exercise a written proxy, general or specific as stated in the proxy, and vote on his or her behalf.

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### **e. Hours of Judicial Business**

(1) The Court will be open for judicial business from 8:00 a.m. until 5:00 p.m. on all court days.

(2) All clerk's offices of the court will be open for business 8:00 a.m. to 4:00 p.m. on all court days. The clerk shall not allow the public to enter the offices for the purposes of filing papers or obtaining other official services after this 4:00 p.m. closing time except as directed by a judge of the court.

### **f. Scheduling of Trials and Hearings**

(1) A list of the times and days of the Court's various calendars, for both civil and criminal matters, and including the hearing of ex-parte matters can be accessed at (209) 725-4100 or at [www.mercedcourt.org](http://www.mercedcourt.org). The parties are required to check for the availability of a calendar before requesting that any matter be set; special settings will occur only in the most extraordinary circumstances.

### **g. Standing Orders**

The business of this court shall be supervised by the Presiding Judge. The Presiding Judge shall also prepare and publish, with the concurrence of a majority of the judges of this court, such routine rules, orders, or regulations, to be known as "Standing Orders," as may be required to expedite and facilitate the business of this court.

*(Effective July 1, 2004).*

## **RULE 1.2: COURT SECURITY**

Security in the courtrooms shall be maintained by the Sheriff of the County of Merced, unless otherwise ordered by the Presiding Judge.

*(Effective July 1, 2004).*

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## **RULE 1.3: COURT ATTIRE**

No person shall appear in court without a shirt, or barefoot, or wearing a tank top. Bailiffs of the court are to remove any person violating this rule. This rule does not limit any judge from prescribing appropriate attire in the courtroom.

*(Effective July 1, 2004).*

## **RULE 1.4: CUSTODY OF COURT FILES AND SIGNED ORDERS**

No exhibit or evidence on file with the clerk in any civil or criminal case shall be taken from the clerk's office or courtroom.

Orders signed by a judge must be filed immediately in the clerk's office. An unfiled, signed order shall not be taken from the courthouse.

*(Effective July 1, 2004).*

## **RULE 1.5: DEFINITIONS**

### **a. Clerk**

The word "Clerk" means the clerk of the court or any deputy clerk.

### **b. Judicial Officer**

The words "Judicial Officer" mean any duly appointed or elected judge of the court, any duly appointed commissioner, any judge or retired judge assigned by the Chairperson of the Judicial Council to serve as a judge of the court, and any attorney appointed by the Presiding Judge to serve as a temporary judge, while so serving.

*(Effective July 1, 2004).*

## **RULE 1.6: ELECTRONIC EXHIBITS**

~~The Court will not provide technical assistance at a Court Trial or Jury Trial to any party presenting electronic evidence or exhibits. Electronic exhibits include VHS videotape, DVD, power point presentations, audio tapes, and digital photographs.~~

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~~Exhibits presented shall conform to the following standards:~~

- (1). ~~Exhibits presented as evidence shall contain only the information and images to be viewed by the Court or Jury. The Court will not supply an employee to stop and/or rewind the DVD to protect the interest of any party.~~
- (2). ~~**Power Point Presentations must be submitted in electronic and printed format. (Effective January 1, 2009) (Repealed Effective January 1, 2010) See Rule 16 n.)**~~

### **RULE 1.8: EX PARTE MATTERS**

All ex parte applications which require notice will be noticed in the Civil Law and Motion Courtroom for a ruling. Hearings shall be scheduled only as authorized by the clerk's office. Copies of all papers to be presented at the hearing shall be filed with the court no later than 12:00 noon the day before the scheduled hearing time.

- a.** The Civil Law and Motion Judge shall be available for the signing of ex parte orders or shall designate a judge or judges who will be available for such signing.
- b.** It is the policy of the courts that, unless ordered otherwise by the Presiding Judge, attorneys shall not seek to have ex parte orders signed by judges other than set forth in **a.** above.
- c.** Requests for ex parte orders shall be based solely on the moving papers without oral argument or comment by counsel, but the judge may, in his or her own discretion, exempt matters from this provision.

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**d.** Notice shall be in accordance with California Rule of Court 3.1203, and all paperwork shall be submitted no later than 12:00 noon the day before the scheduled hearing.

*(Effective July 1, 2004)*

### **RULE 2: FILING PROCEDURES**

#### **a. Time of Filing Papers**

All documents and other papers shall be filed during the hours set forth in Rule (2) above. All papers necessary to hearing in default cases (including default dissolutions), return of service on orders to show cause (except wherein the Court has by order shortened the time of service), probate matters, adoptions, compromise claims of minors, including proof of notice, posting affidavits of publication, agreements in dissolution actions, etc., shall be filed by 4:00 p.m. on the third court day preceding the date set for hearing.

Example: If a matter is set for hearing on a Monday morning, the documents pertaining to said hearing shall be filed with the Clerk of the Superior Court by 4:00 p.m. on the Wednesday preceding that Monday. Saturdays, Sundays, and holidays are not considered court days.

The Clerk shall process court filings on a priority basis, insuring that all documents are properly entered and filed in the appropriate file. The Clerk shall further give processing priority to documents with imminent trial or hearing dates, insuring that documents reach the court file prior to delivery of the file to Court for hearing, or as soon thereafter as is reasonably possible in consideration of the date of receipt.